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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/31/2000

Chi M. Cheung

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4801

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05/13/2004

Timothy N Trop
Trop Pruner & Hu PC
Ste 100
8554 Katy Freeway
Houston, TX 77024

EXAMINER

CARTER, AARON W

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,759

Applicant(s)

CHEUNG; CHI M.

Examiner

Aaron W Carter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-13 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-13,16-21 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to:
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to papers filed on March 8, 2004.

Response to Amendment

2. In response to applicant's amendment received on March 8, 2004, all requested changes to the specification and claims have been entered. Claims 3, 6, 14 and 15 have been cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner will interpret claims in a similar fashion to claims 1,2,4,5,7 and 8.

Claim 9 recites the limitation "said motion detection information" in line 6 and "said imaging device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

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Claim 10 recites the limitation "the digital imaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said motion detection information" in line 3 and "the digital imaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said motion detection information" in line 3 and "the digital imaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the digital imaging device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said motion detection information" in lines 3-4 and "the digital imaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 7-9, 11, 16, 17, 19-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,476,858 to Ramirez Diaz et al. ("Ramirez-Diaz").

As to claims 1, 9, 17 and 23, Ramirez-Diaz discloses a method comprising:

Receiving motion detection information from an infrared motion detector (column 3, lines 3-6 wherein the ON/OFF signal corresponds to detection information);

Capturing a digital representation of a scene in an imaging device (column 3, lines 8-9);

Forming in said imaging device a plurality of packets containing image data and said motion detection information (column 3, lines 21-28 and 40-43), wherein the motion detection information triggers the compression of the camera information which includes the date, time and camera number this corresponds to motion detection information now and it is inherent that in order to send information over a network it must be formed into a plurality of packets containing data); and

Transmitting said packets from said imaging device to a processor-based system over a bus (column 3, lines 27-28).

As to claims 4 and 12, Ramirez-Diaz discloses the method of claim 1 including replacing intensity information in said packet with said motion information (column 3, lines 40-44, wherein the time corresponds to motion detection info and it being incorporated in to the video image itself corresponds to replacing intensity info).

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As to claim 5, 13 and 26, Ramirez-Diaz discloses the method of claim 4, including providing a bit in said packet to indicate whether motion was detected (column 3, lines 40-44, wherein time, corresponding to motion info, is incorporated into the image, which is sent over the network in packets and it is inherent that in the packet it is made of a bit).

As to claim 7, Ramirez-Diaz discloses the method of claim 1, including controlling the storage of said digital representation on a processor-based system based on whether motion was detected (column 6, lines 34-38).

As to claims 8, 11, 16 and 25, Ramirez-Diaz discloses the method of claim 1, including replacing image data in one of said packets with said motion detection information (column 3, lines 40-43).

As to claim 19, Ramirez-Diaz discloses the method of claim 17, including a processor-based device coupled to the bus, said motion detector, serial bus interface and imaging element also coupled to said bus (Fig. 7 and Fig. 8A).

As to claim 20, Ramirez-Diaz discloses wherein serial bus interface forms said image data into packets including both a payload and a header (column 3, lines 21-28, wherein it is inherent that packets being sent out on a network must contain a payload and header).

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As to claim 21, Ramirez-Diaz discloses including intensity information in said packets, said intensity information having a least significant bit (column 3, lines 21-28, wherein video data is compressed using JPEG wherein it is inherent that includes intensity information and it is inherent that the digital data is structured into an allotted number of bits of which there will always be a least significant).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 10, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez-Diaz as applied to claims 1, 9, 17 and 23 above, and further in view of US Patent 6,125,455 to Yeo.

As to claims 2, 10, 18 and 24, Ramirez-Diaz discloses the method, article, device and system of claims 1, 9, 17 and 23, and further discloses transmitting the digital representation over a bus (Fig. 7 and 8A), but neglects to explicitly disclose transmitting is done over a USB. However, Yeo teaches the advantages of transmitting data over a USB in column 1, line 60 – column 2, line 7. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the digital representation, as disclosed by Ramirez-Diaz, over a Universal Serial Bus has taught by Yeo, this providing the advantage of rapid data transmission

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rate as well as simplicity and convenience of attaching and detaching peripheral devices to a computer.

Allowable Subject Matter

8. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US Patent 5,671,009 to Chun discloses a security system that includes a motion sensor and incorporating an ID into the image data.

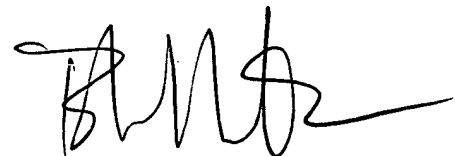
US Patent 6,323,897 to Kogane et al. discloses a security system incorporating a camera, motion sensor and network.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W Carter whose telephone number is (703) 306-4060. The examiner can normally be reached on 7am - 3:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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awc



BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600